

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**F052642      People v. Castaneda**

The judgment is affirmed. Gomes, J.

We concur: Wiseman, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055745      People v. Mejia**

The judgment is affirmed in part and remanded with directions.  
Gomes, J.

We concur: Wiseman, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F053845      People v. Saesee**

**F053950      People v. Saesee**

The judgment is affirmed in part and remanded with directions. Gomes, J.

We concur: Levy, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055503      Flores v. McClelland Law Offices et al.**

The judgment is affirmed. Gomes, J.

We concur: Wiseman, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055644      People v. Mejia**

The matter is remanded with directions to issue an amended abstract of judgment showing (1) an indeterminate term of life with the possibility of parole, rather than an indeterminate term of seven years to life, on the attempted deliberated and premeditated murder of Chavez, (2) the determinate 17-year term on the assault with a firearm on Tobias concurrent with, rather than consecutive to, the indeterminate term of life with the possibility of parole on the attempted deliberated and premeditated murder of Chavez, and (3) a single award of credits for 230 actual days in custody before the probation and sentencing hearing of September 28, 2006, plus 34 days of 15 percent presentence conduct credits, rather than zero days of presentence conduct credits, for a total of 264 days as to all of the offenses in the judgment. Otherwise the judgment is affirmed. Gomes, J.

We concur: Wiseman, Acting P.J.; Dawson, J.

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**F055352      People v. Wheeler**

The judgment is affirmed. Gomes, J.

We concur: Wiseman, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F054790      People v. Robinson**

The judgment in #VCF156685A is modified as follows: (1) the \$500 section 1202.4, subdivision (b), restitution fine imposed on January 11, 2008, is stricken from the judgment and the \$250 restitution fine imposed on February 28, 2006, remains in force; (2) the \$500 section 1202.44 probation revocation fine imposed on January 11, 2008, is stricken from the judgment and the \$250 probation revocation fine imposed on February 28, 2006, remain in force; and (3) the \$500 section 1202.45 parole revocation fine imposed on January 11, 2008, is reduced to \$250. The trial court is directed to prepare an amended abstract of judgment in accordance with the disposition and deliver it to the Department of Corrections and Rehabilitation. Dawson, J.

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We concur: Cornell, Acting P.J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F057022      R.G. v. The Superior Court of Kern County; Kern County Dept. of Human Services**

The petition for extraordinary writ is dismissed. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055777      Xiong et al. v. Vang**

Pursuant to written stipulation of the parties hereto, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F057506      Salinas v. County of Fresno**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055964      People v. Valencia, Jr.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F055964      People v. Valencia, Jr.**

The judgment is reversed. The matter is remanded and the superior court is directed to sentence defendant in accordance with the original plea agreement or, if the court chooses not to impose such a sentence, to allow defendant to withdraw his plea. In the event that defendant's plea is not withdrawn, the trial court is directed to remedy the conflict between the clerk's minutes and the reporter's transcript for July 16, 2008, regarding disposition of the four prison-prior enhancements. By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F054966      People v. Gould**

The judgment is affirmed. Dawson, J.

We concur: Cornell, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055054      Department of Developmental Services v. Kris Grasty; John Denney**

The order in the conservatorship action rejecting DSS's claim against Thomas's estate on equal-protection grounds is reversed. The matter is remanded for further proceedings on any remaining challenges asserted by the public guardian to DSS's claim. We offer no opinion on whether DSS's claim is payable by the conservatorship in full or in part, other than to say the claim is not barred by the state of federal constitutional equal protection clause. Each party shall bear their own costs. Wiseman, Acting P.J.

We concur: Gomes, J.; Dawson, J.

[CERTIFIED FOR PUBLICATION]

**F055333      People v. Downs**

The judgment is affirmed. The matter is remanded to the trial court to correct the abstract of judgment and forward copies of the amended abstract to the appropriate agencies. Cornell, Acting P.J.

We concur: Hill, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055738      Gomez v. Longs Drug Stores California, Inc. et al.**

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Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.